

### REMARKS

Applicant requests favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 37-45 are presented for consideration. Claims 37 and 42 are independent. Claims 37 and 42 have been amended to clarify features of the subject invention. Support for these changes can be found in the original application, as filed. Therefore, no new matter has been added.

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the final Office Action dated July 27, 2006.

Claims 42-45 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner objected to the term “can be” in claim 42. To expedite prosecution, Applicant has amended independent claim 42 in light of the Examiner’s comments. Applicant submits that these changes overcome the Examiner’s rejection. Such favorable indication is requested.

Claims 37-40 and 42-45 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,462,807 to Nishi. Claim 41 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nishi patent. Applicant submits that the cited art does not teach or suggest many features of Applicant’s present invention, as previously recited in independent claims 37 and 42. Therefore, these rejections are respectfully traversed. Nevertheless, Applicant submits that independent claims 37 and 42, for example, as presented, amplify the distinctions between the present invention and the cited art.

In one aspect of the present invention, independent claim 37 recites an exposure apparatus for performing exposure of a substrate to light via a pattern of a reticle, while the substrate and the reticle are scanned in accordance with a target speed. The apparatus includes a reticle stage configured to hold the reticle and to move, a substrate stage configured to hold the substrate and to move, an interface configured to input information of a condition of the exposure, and a controller configured to select an exposure method to be performed from a first exposure method in which the exposure is performed while the target speed is constant, and a second exposure method in which the exposure is performed while the target speed is changing, based on the input information.

In another aspect of the present invention, independent claim 42 recites an exposure apparatus for performing exposure of a substrate to light via a pattern of a reticle. The apparatus includes an interface configured to input information of a condition of the exposure, and a controller configured to evaluate a correlation between a layout of a shot to be exposed and a layout of a shot having been exposed, according to each of a plurality of exposure methods, based on the input information, to select, among the plurality of exposure methods, an exposure method to be used, based on the evaluated correlations, and to control a performance of the exposure according to the selected exposure method and correction data, required for exposure of a substrate and obtained with respect to a previous exposure of a substrate performed according to the selected exposure method.

Applicant submits that the cited art does not teach or suggest such features of the present invention, as recited in independent claims 37 and 42.

The Nishi patent discusses an exposure apparatus that is capable of selectively switching a plurality of exposure modes. That exposure apparatus calculates an exposure time to be required for one substrate, based on a layout of shot regions and a quantity of exposure to be required for executing exposure. Still further, the exposure apparatus in the Nishi patent selects an exposure mode with an entirely shorter exposure time.

Applicant submits that the Nishi patent may teach, for example, a first exposure method in the manner of the present invention recited independent claim 37 as an exposure mode, but does not, however, teach or suggest anything regarding a configuration for achieving the second exposure method of the present invention recited in independent claim 37. Accordingly, Applicant submits that the Nishi patent does not teach or suggest salient features of Applicant's present invention, as recited in independent claim 37.

Still further, Applicant submits that the Nishi patent does not teach or suggest a configuration for evaluating a correlation between a layout of a shot to be exposed and a layout of a shot having been exposed according to each of a plurality of exposure methods, in the manner of the present invention recited in independent claim 42. Moreover, the Nishi patent does not teach or suggest a configuration for selecting an exposure method to be used based on the evaluation correlations, and does not teach or suggest a configuration for controlling the performance of the exposure according to the selected exposure method and correction data required for exposure of a substrate and obtained with respect to a previous exposure of the substrate performed according to the selected exposure method, again, as recited in independent

claim 42. Therefore, the Nishi patent likewise does not teach or suggest salient features of Applicant's present invention, as recited in independent claim 42.

For the reasons noted above, Applicant submits that the Nishi patent should not be read to anticipate or render obvious Applicant's present invention, as recited in independent claims 37 and 42.

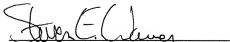
For the foregoing reasons, Applicant submits that the present invention, as recited in independent claims 37 and 42, is patentably defined over the cited art.

Dependent claims 38-41 and 43-45 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

Applicant further submits that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010 All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

Attorney for Applicant

Steven E. Warner

Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO

30 Rockefeller Plaza

New York, New York 10112-3800

Facsimile: (212) 218-2200

SEW/eah

DC\_MAIN 258451v1